

# Notice of Allowability

Application No.

10/539,690

Examiner

Jennifer Doan

Applicant(s)

EVES ET AL

Art Unit

2874

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 7/24/06.
2. ☒ The allowed claim(s) is/are 1-11 and 13-18.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
**JENNIFER DOAN**  
**PRIMARY EXAMINER**

## **EXAMINER'S AMENDMENT AND STATEMENT OF REASONS FOR ALLOWANCE**

### ***Response to Amendment***

1. Applicant's amendment filed on July 24, 2006 has been fully considered and entered.

### **EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Carrie Anne Colby on October 10, 2006.

The application has been amended as follows:

In line 3 of claim 1, please change "the said volume" into - - said volume--.

In line 8 of claim 1, please change "a said field" into - - said field--.

In line 8 of claim 1, please change "the said optical effect" into - - said optical effect --.

In line 1 of claim 2, please change "according to Claim 1" into -- according to claim 1, --.

In line 1 of claims 3-6 and 9, please change "according to claim 1" into -- according to claim 1, --.

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In line 2 of claims 5-8, please change "the said volume" into - - said volume--.

In line 1 of claim 7, please change "according to Claim 5" into -- according to claim 5, --.

In line 1 of claim 8, please change "according to Claim 6" into -- according to claim 6, --.

In line 1 of claim 10, please change "according to Claim 9" into -- according to claim 9, --.

In line 1 of claim 11, please change "according to Claim 10" into -- according to claim 10, --.

In line 1 of claim 13, please change "according to Claim 11" into -- according to claim 11, --.

In line 1 of claim 14, please change "according to any preceding claim the core" into -- according to any preceding claim, wherein the core --.

In line 1 of claims 16 and 17, please change "according to Claim 15" into -- according to claim 15, --.

In line 1 of claim 16, please change "fibre" into - - fibres --.

In claim 18, please change "A garment including one or more filaments or fibres each according to claim 1; and/or a structure according to claim 15" into -- A garment including one or more filaments or fibres each according to claim 1. --.

***Reasons for Allowance***

3. Claims 1-11 and 13-18 are allowed.

4. The following is an examiner's statement of reasons for allowance:

The prior art of record fails to disclose or reasonably suggest all the limitations recited in independent claim 1. Specifically, the prior art of record fails to disclose an electro-optic filament or fibre comprising an elongate core within a volume of polarisable material and an outer member overlying the volume, wherein the polarisable material exhibits an optical effect when subjected to the field and /or a change in the field, the optical effect being visible or otherwise optically detectable externally of the filament or fibre, wherein the resistance of the outer member is inhomogeneous in combination with the other limitations of claim 1.

Claims 2-11 and 13-18 depend from claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer Doan whose telephone number is (571) 272-

2346. The examiner can normally be reached on Monday to Thursday from 6:00am to 3:30pm, second Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JD

October 10, 2006



JENNIFER DOAN  
PRIMARY EXAMINER